

REMARKS

The non-final office action of August 10, 2006 has been reviewed and these remarks are responsive thereto. By this Amendment, claims 1, 11, and 24 have been amended, claim 22 has been cancelled without prejudice or disclaimer, and no new claims have been added. Accordingly, claims 1-21 and 23-39 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

Preliminarily, Applicants acknowledge with appreciation the indication that the application contains allowable subject matter. Specifically, claim 22 was deemed allowable if rewritten in independent form to incorporate the features of base claim 11.

Applicants also note with appreciation the courtesies extended by Examiner Francis to the undersigned and Mr. Brisnehan during the telephone interview of October 10, 2006. The following remarks include Applicants' substance of interview pursuant to MPEP § 713.04. Specifically, proposed claim language was discussed during the interview, and the Examiner agreed that the current amendments to independent claims 1, 11, and 24 appear to overcome the pending rejections under 35 U.S.C. § 101,

Rejections under 35 U.S.C. § 101

Claims 11-33 and 36-39 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Although Applicants respectfully traverse, it is believed that these rejections are rendered moot by the amendments made to independent claims 11 and 24. Claim 11, for example, is not directed to an "abstract idea," but has a clear practical application producing a useful, tangible and concrete result. MPEP 2106(II)(A). The result is useful, as it performs a migration of computer code into a language independent form. The result is tangible because the data being operated upon is core code of a computer system, and such computer systems are known to support "real world" activities, as discussed in the specification. Moreover, the recited steps allow computer systems to be serviced easier than with prior art methods. Finally, the result is concrete because it is substantially repeatable. For at least these reasons, claim 11 recites statutory subject matter.

Claim 24 recites a computer readable medium having a program stored thereon, comprising steps similar to those recited by claim 11. Accordingly, claim 24 also recites statutory subject matter.

Rejections under 35 U.S.C. § 102

Claims 1-4, 8-14, 18-21, 23-27, and 31-39, stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,035,121 (*Chiu*). Notwithstanding the merits of this rejection and to expedite prosecution, Applicants have amended independent claims 1, 11, and 24, to substantially incorporate the allowable subject matter of cancelled claim 22, thereby rendering these rejections moot.

Rejections under 35 U.S.C. § 103

Claims 5-7, 15-17, and 28-30, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chiu*, in view of U.S. Patent No. 5,59,753 (*Murphy*). Notwithstanding the merits of this rejection and to expedite prosecution, Applicants have amended independent claims 1, 11, and 24 to substantially incorporate the allowable subject matter of cancelled claim 22, thereby rendering these rejections moot.

(Conclusion and signature block follow on next page)

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3223.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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